

STATE OF MAINE
PUBLIC UTILITIES COMMISSION

Docket No. 97-204

May 16, 2000

NEW ENGLAND TELEPHONE
& TELEGRAPH COMPANY
Interlata Entry Implementation Plan
For the Introduction of Intralata
Presubscription (ILP)

ORDER

WELCH, Chairman; NUGENT and DIAMOND, Commissioners

I. SUMMARY

In this Order we approve the refund of amounts over-recovered by Bell Atlantic-Maine (B/A-ME or the Company) in connection with the implementation of intralata presubscription (ILP) in Maine.

II. BACKGROUND

On November 30, 1997, we issued an Order Approving Stipulation in this Docket that approved an agreement submitted by B/A-ME (which was then NET d/b/a NYNEX) and MCI. The stipulation set out a plan for implementing ILP by B/A-ME under which local exchange customers of B/A-ME would be able to select the carrier of their choice for in-state long distance calls, and have those calls automatically routed to the selected carrier without the customer having to dial any additional digits. This process was designed to create dialing parity and, thus, eliminate a significant barrier to competition in Maine's in-state long distance market.

Section 5 of the Stipulation described the cost recovery proposal agreed to by the parties. An estimate was made of the ILP implementation costs, and a new rate element, known as the Equal Access Cost Recovery Charge (EACRC), was added to B/A-ME's access tariff. Cost recovery was to occur as an equal charge per originating minute of use on all intralata long distance carriers over a two-year period, with a true-up of any over or under-recovery to occur at the end of the recovery period.

On November 5, 1999, the Company submitted its true-up of ILP actual costs and amounts recovered, as required by the Stipulation. The cost study indicated that B/A-ME incurred actual implementation costs of \$1,075,289, including a carrying charge rate of 11%, and collected \$1,076,653, resulting in an over collection of \$1,364. The Company proposes to refund the over collected amount to carriers on a pro rata basis as soon as possible.

III. DECISION

Having reviewed the Company's filing, we find that it complies with the intent of the Stipulation approved in this Docket, and we approve the proposed refund plan.

Dated at Augusta, Maine, this 16th day of May, 2000.

BY ORDER OF THE COMMISSION

Dennis L. Keschl
Administrative Director

COMMISSIONERS VOTING FOR: Welch
Nugent
Diamond

NOTICE OF RIGHTS TO REVIEW OR APPEAL

5 M.R.S.A. § 9061 requires the Public Utilities Commission to give each party to an adjudicatory proceeding written notice of the party's rights to review or appeal of its decision made at the conclusion of the adjudicatory proceeding. The methods of review or appeal of PUC decisions at the conclusion of an adjudicatory proceeding are as follows:

1. Reconsideration of the Commission's Order may be requested under Section 1004 of the Commission's Rules of Practice and Procedure (65-407 C.M.R.110) within 20 days of the date of the Order by filing a petition with the Commission stating the grounds upon which reconsideration is sought.
2. Appeal of a final decision of the Commission may be taken to the Law Court by filing, within 30 days of the date of the Order, a Notice of Appeal with the Administrative Director of the Commission, pursuant to 35-A M.R.S.A. § 1320(1)-(4) and the Maine Rules of Civil Procedure, Rule 73, et seq.
3. Additional court review of constitutional issues or issues involving the justness or reasonableness of rates may be had by the filing of an appeal with the Law Court, pursuant to 35-A M.R.S.A. § 1320(5).

Note: The attachment of this Notice to a document does not indicate the Commission's view that the particular document may be subject to review or appeal. Similarly, the failure of the Commission to attach a copy of this Notice to a document does not indicate the Commission's view that the document is not subject to review or appeal.